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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,937	02/28/2002	Petri Hyypa	042933/302191	4374
826	7590	02/09/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				DOAN, PHUOC HUU
		ART UNIT		PAPER NUMBER
		2687		

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,937	HYYPAA ET AL.	
	Examiner PHUOC H. DOAN	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,5-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,5-24 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/22/2005 have been fully considered but they are not persuasive.

Applicant's remarks: Ogsawara fails to teach which includes the steps of receiving at the user equipment control information from a management entity independent of the merchant entity with which a transaction is to be conducted and updating transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism.

Response: it has been reviewed based on applicant's specification to support of applicant's remark that user equipment used a wireless device to exchange the transaction including able to select the merchant and made a payment "a credit card issuer" with management server "stores company server".

To make it clear that the exchange information "transaction" between the wireless devices via server are difference the function of processing with client/server in computer network (cable; wires). The wireless device has to

download the information for any requested depend on the software on the mobile device for exchange the transaction.

Applicant's specification very much specific on how the wireless device exchange the transaction with server "stores company server" used WAP protocols that enabled the wireless device could control for any processing via merchant server.

Ogasawara discloses in the same scope with the present of invention. The same function of scope but they are not exactly the same words. See Ogasawara's Abstract "An electronic shopping system facilitates purchase transaction via a wireless telephone. It means mobile device in exchange electronic transaction via store server to has a purchase transaction ; selection of items and as well as payment (electronic transaction payment)".

Ogasawara emphasized specifically in col. 10 lines 1-57, and col. 14, lines 1-32). How the mobile device exchange transaction via store server and payment used by credit card. See detail in the Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 5-24, and 26** are rejected under 35 U.S.C. 102(e) as being by anticipated **Ogasawara (US Patent No: 6,577,861)**.

Regarding claim 1, Ogasawara discloses a method in a user equipment for enabling use thereof in electronic transactions (figures 1, 2) said user equipment having transaction means for conducting a transaction with a **merchant entity** (col. 10, lines 5-40, **the particular purchase transaction program which is transmitted from the store server 10**), the method comprising: receiving at the user equipment control information from a management entity (figures 1, 2, number 10, 18, 26 column 2, lines 36-column 3, lines 20); and updating the transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof (figures 1, 2, number 18, figure 3, number 106, column 3, lines 21-32, col. 13, lines 19-45, the purchase transaction program may contain different menu, option , **methods for making selection**, and /or methods for making payment for purchase).

Regarding claim 5, Ogasawara discloses a method as claimed in claim 1, wherein at least one parameter for use in electronic transactions by the user equipment is changed based on said information from the management entity (column 10, lines 32-61, column 14, lines 33-49).

Regarding claim 6, Ogasawara discloses a method as claimed in claim 1, wherein the transaction means are initiated at the user equipment based on said information from the management entity (column 10, lines 12-41).

Regarding claims 7, 8, See Ogasawara (figures 1, 2, number 20, column 9, lines 31-35, column 11, lines 14-25, column 12, lines 38-43).

Regarding claim 9, Ogasawara discloses a method as claimed in claim 1, wherein the information from the management entity provides the user equipment with at least one new parameter for use in electronic transactions (column 2, lines 61-column 3, lines 33).

Regarding claim 10, Ogasawara discloses a method as claimed in claim 1, wherein the user equipment generates a message requesting for a modification of the transaction means (column 6, lines 21-36).

Regarding claims 11, 12, Ogasawara discloses a method as claimed in claim 1 (see Ogasawara column 6, lines 57-column 7, lines 23).

Regarding claim 13, Ogasawara discloses a method as claimed in claim 11, wherein the data entity is based on an electronic data card format (column 7, lines 21-41).

Regarding claim 14, Ogasawara discloses a method as claimed in claim 11, wherein said information is inserted in a data field of the data entity (figure 2, number 27, column 7, lines 21-51).

Regarding claim 15, Ogasawara discloses a method as claimed in claim 11, wherein the data entity is based on a format that has been selected from a list comprising of: an electronic business card format; an electronic calendar format; an electronic commerce modeling language format (col. 9, lines 32-41, and col. 19, lines 6-27).

Regarding claim 16, Ogasawara discloses a method as claimed in claim 1, wherein the communication media between the user equipment and the service management entity comprises an interface that is based on at least one of the following: short message service (SMS); wireless application protocol (WAP); internet protocol (IP); a short range radio link; a proximity card type interface; an infrared link (col. 9, lines 10-34).

Regarding claim 17, Ogasawara discloses a method as claimed in claim 1, wherein the user equipment communicates with a base station of a cellular communication network (figures 1, 2, number 17, col. 9, lines 10-20).

Regarding claim 18, Ogasawara discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in a message containing also other information (column 3, lines 33-41, column 10, lines 58-61).

Regarding claim 19, Ogasawara discloses a method as claimed in claim 1, comprising a step of storing said information associated with provisioning of the transaction means at the user equipment (figure 2, number 18, figure 3, numbers 34, 106, column 3, lines 4-20, column 13, lines 14-18 and lines 66-column 4, lines 21, column 13, lines 46-65).

Regarding claim 20, Ogasawara discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in association with exchange of transaction information between the user equipment and a service provider (figures 1, 2, numbers 18, 10, 26, column 5, lines 29-46, column 6, lines 57-column 7, lines 9).

Regarding claim 21, Ogasawara discloses an arrangement for processing electronic transactions (figures 1-4) comprising: a user equipment (figures 1, 2, number 18); a transaction service entity of a credit card issuer “col. 14, lines 21-25,

the server personal shopping application 54 also receives and stores payment information, such as credit card account numbers, expiration dates” adapted to generate control information to be transported to the user equipment (figures 1, 2, number 10, 26, column 10, lines 5-61); and communication means for communication between the user equipment and the transaction service entity (figures 1, 2, numbers 17, 14, column 8, lines 66-column 9, lines 40), and transaction means in said user equipment (col. 13, lines 19-45, and col. 15, lines 45-55); wherein the arrangement is such that the configuration of said transaction means in said user equipment can be changed based on said control information transported to the user equipment via said communication means (column 9, lines 49-column 10, lines 57, and col. 11, line 63-col. 12, lines 53, col. 13, lines 19-44).

Regarding claim 22, Ogasawara discloses an arrangement as claimed in claim 21 adapted to modify existing transaction means based on said control information (column 13, lines 46-65).

Regarding claim 23, Ogasawara discloses an arrangement as claimed in claim 21 adapted to initiate transaction means based on said control information (column 10, lines 12-41).

Regarding claim 24, Ogasawara discloses an arrangement as claimed in claim 21, wherein the user equipment is provided with means for wireless communication with a co-operative device (figure 2, numbers 20, 27).

Regarding claim 26, Ogasawara discloses a method in a user equipment for enabling use thereof in electronic transactions (col. 14, lines 10-26]), the method comprising: receiving at the user equipment control information from a management entity of a credit card issuer (col. 18, lines 35-63]) and changing the configuration of the transaction means based on the received control information (figures 1, 2, number 18, figure 3, number 106, column 3, lines 21-32, col. 13, lines 19-45, the purchase transaction program may contain different menu, option , **methods for making selection**, and /or methods for making payment for purchase).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

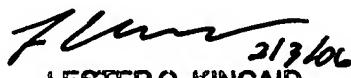
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc Doan

02/02/06


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER